



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Inventor(s) : Yorioki Nara et al.  
Serial Number : 10/528,809  
First Submission : March 23, 2005  
For : PARTICLE CRUSHING AND SIZING APPARATUS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 USC § 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**Mail Stop PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 6, 2005

Dear Sir:

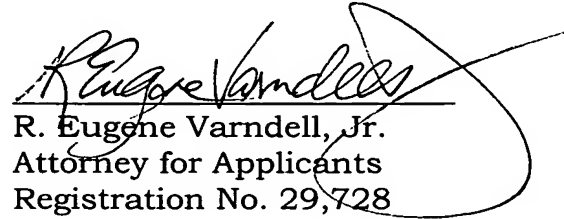
In response to the Notification of Missing Requirements Under 35 USC § 371 in the United States Designated/Elected Office (DO/EO/US), mailed August 16, 2005, applicant is submitting herewith the original signed declaration for patent application, together with a copy of the above-mentioned Notice.

The notification set forth a response due date of two months from the mailing date of the notification. Accordingly, this response is due on or before October 6, 2005.

A check for the late filing of the declaration of patent application in the amount of ONE HUNDRED THIRTY DOLLARS (\$130.00) is attached hereto.

In the event this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our Deposit Account No. 50-1147.

Respectfully submitted,  
POSZ LAW GROUP, PLC

  
R. Eugene Varndell, Jr.  
Attorney for Applicants  
Registration No. 29,728

Atty. Case No. VX032516 PCT  
POSZ LAW GROUP, PLC  
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10/13/2005 LLANDGRA 00000065 10528809

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130.00 OP

# TRANSMITTAL FORM

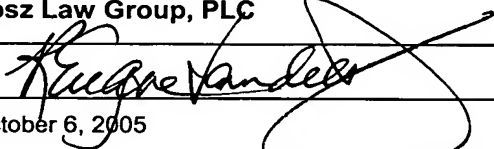
(to be used for all correspondence after initial filing)

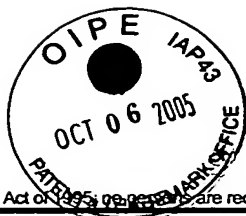
Application Number	10/528,809
Filing Date	March 23, 2005
First Named Inventor	NARA, et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	VX052667 PCT

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px;">         Response to Notification of Missing Requirements       </div> <div style="border: 1px solid black; padding: 2px;">         Declaration for Patent Application       </div> <div style="border: 1px solid black; padding: 2px;">         Recordation Form Cover Sheet       </div>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Posz Law Group, PLC
Signature	
Date	October 6, 2005



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/8/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant Claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ **170.00**)**Complete if Known**

Application Number	10/528,809
Filing Date	March 23, 2005
First Named Inventor	NARA, et al.
Examiner Name	
Art Unit	
Attorney Docket No.	VX052667 PCT

**METHOD OF PAYMENT (check all that apply)**

- ☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: **50-1147** Deposit Account Name: **Posz Law Group, PLC**
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charges fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	160	80	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	18	9
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	88	44
Multiple dependent claims	300	150

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP =	x	\$50	=	\$0		

HP = highest number of total claims paid for, if greater than 20

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 3 or HP =	0	x \$200	= \$0

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$ \_\_\_\_\_ (\$ for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number) x	=	\$0

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: **Assignment Recordation Fee + Missing Parts Surcharge****\$170****SUBMITTED BY**

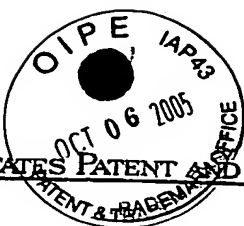
Signature		Registration No. (Attorney/Agent)	29,728	Telephone	(703) 707-9110
Name (Print/Type)	R. Eugene Varndell, Jr.	Date	October 6, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/528,809

FIRST NAMED APPLICANT

Yorioki Nara

ATTY. DOCKET NO.

VX052667 PCT

INTERNATIONAL APPLICATION NO.

PCT/JP04/04231

I.A. FILING DATE

03/25/2004

PRIORITY DATE

03/26/2003

021369  
VARNDELL & VARNDELL, PLLC  
106-A S. COLUMBUS ST.  
ALEXANDRIA, VA 22314

RECEIVED

AUG 18 2005

VARNDELL & VARNDELL, PLLC

CONFIRMATION NO. 9164  
371 FORMALITIES LETTER  
\*OC000000016746199\*  
\*OC000000016746199\*

Date Mailed: 08/16/2005

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/23/2005
- English Translation of the IA filed on 03/23/2005
- Copy of the International Search Report filed on 03/23/2005
- Information Disclosure Statements filed on 03/23/2005
- Small Entity Statement filed on 03/23/2005
- Request for Immediate Examination filed on 03/23/2005
- U.S. Basic National Fees filed on 03/23/2005
- Priority Documents filed on 03/23/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.

10/528,809

INTERNATIONAL APPLICATION NO.

PCT/JP04/04231

ATTY. DOCKET NO.

VX052667 PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M. ALVARADO

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Telephone: (703) 308-9140 EXT 206